



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

September 27, 1995

Ms. Elizabeth Lutton  
City of Arlington  
P.O. Box 231  
Arlington, Texas 76004-0231

OR96-1780

Dear Ms. Lutton:

You have asked this office to determine if certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 100869.

The City of Arlington (the "city") received a request for information that was compiled during a discrimination complaint investigation. You state that most of the information responsive to the request has already been provided to the requestor. However, with respect to one document you have redacted certain information from hand-written notes that you contend must be withheld from disclosure on the basis of common-law privacy as protected by section 552.101 of the Government Code. You also assert that another document is excepted from disclosure in its entirety pursuant to section 552.107(1) of the Government Code.


The test to determine whether information is private and excepted from disclosure under common-law privacy, as encompassed in section 552.101 of the Government Code, is whether the information is (1) highly intimate or embarrassing to a reasonable person and (2) of no legitimate public concern. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 930 (1977). We have reviewed the information you redacted from the handwritten notes, and we agree that the information you marked must be withheld from disclosure on the basis of common-law privacy.

Section 552.107(1) excepts from disclosure communications that reveal client confidences or the attorney's legal opinion or advice. Open Records Decision Nos. 589 (1991) at 1, 574 (1990) at 3, 462 (1987) at 9-11. Section 552.107(1) does not except from disclosure factual recounting of events or the documentation of calls made, meetings

attended, and memos sent. Open Records Decision No. 574 (1990) at 5. Our review of the document for which you assert section 552.107(1) protection shows that the entire document may be withheld from disclosure.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref.: ID#100869

Enclosures: Submitted document

cc: Ms. Linda M. Patterson  
c/o Arlington  
(w/o enclosures)